

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:06CV139

MICHAEL J. HANNIGAN,)	
)	
Appellant,)	
)	
Vs.)	<u>ORDER</u>
)	
COUNTRYWIDE HOME LOANS, INC.,)	
and FEDERAL NATIONAL)	
MORTGAGE CORPORATION, d/b/a)	
Fannie Mae,)	
)	
Appellees.)	
_____)	

THIS MATTER is before the Court on the following items filed by the

Appellant:

1. "Administrative and Judicial Notice of Cure," filed December 13, 2006;
2. Transcript of United States Bankruptcy Court Proceedings, filed December 13, 2006;
3. "Motion to Reinstate Appeal," filed December 18, 2006; and
4. "Notice of Praecipe, Instructions to the Clerk,"¹ filed December 26, 2006.

¹"Praecipe" is a Latin word meaning an order to the clerk of court with instructions.

On October 27, 2006, this action was dismissed. **Order of Dismissal, filed October 27, 2006.** On December 6, 2006, the Appellant's motion to reconsider that dismissal was denied. **Order, filed December 6, 2006.** The filings made by the Appellant thereafter are untimely and frivolous. For example, the Appellant "gives notice and instructs the Clerk of the United States District Court" to take a variety of actions. **Notice, *supra*.**

The Appellant is no stranger to the Court and his frivolous filings have been previously dismissed. ***See, Trustee Services of Carolina, L.L.C. v. Hannigan, Civil No. 1:04cv147, Order of Dismissal, filed December 29, 2004.*** Federal Rule of Civil Procedure 11 provides in pertinent part:

By presenting to the court . . . a pleading, . . . an . . . unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances –

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims . . . are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law . . . ;

(3) the allegations and other factual contentions have evidentiary support or, . . . are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery

Fed. R. Civ. P. 11(b).

The filings made after the motion to reconsider was denied are clearly designed to harass the judicial system. Hannigan is hereby placed on notice that pursuant to Rule 11 and this Court's inherent powers, any future such filings will subject him to the imposition of sanctions for his conduct. Those sanctions may include directives of a nonmonetary nature, an order to pay a penalty into court, an order directing payment of reasonable attorneys' fees incurred by another party as a direct result of the violation, and an injunction against filings in this District.

IT IS, THEREFORE, ORDERED that the filings listed *infra* are hereby **STRICKEN** from the record and any relief sought therein is **DENIED**.

Signed: January 12, 2007



Lacy H. Thornburg
United States District Judge

